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Superior Court of California, County of San Diego  
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Atorneys for Defendant, The Honorable William McAdam, Judge of the Superior Court of California, County of San Diego

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

LANTZ E. ARNELL, } Case No.: 08-CV-00441 WQH (JMA)  
Plaintiff, } DEFENDANT JUDGE MCADAM'S NOTICE  
v. } OF MOTION TO DISMISS WITH  
} PREJUDICE  
} [No Oral Argument Unless Requested By  
} The Court]  
JACK LIEB ESQ. AND ASSOC., JUDGE } Date: June 16, 2008  
W. MCADAM, ET AL., } Time: 11 a.m.  
Defendants. } Crtrm: 4 (4th Floor)  
} Judge: The Honorable William Q. Hayes

TO PLAINTIFF LANTZ E. ARNELL IN PRO SE:

PLEASE TAKE NOTICE that on June 16, 2008, at 11:00 a.m., in Courtroom 4, on the fourth floor of the United States District Court for the Southern District of California, located at 940 Front Street, San Diego, California 92101, before the Honorable William Q. Hayes, Defendant The Honorable William McAdam, Judge of the Superior Court of California, County of San Diego, will move to dismiss Plaintiff's Complaint pursuant to Federal Rules of Civil Procedure ("FRCP") rules 12(b)(1), 12(b)(2), 12(b)(6), and 41(b) on the following grounds:

1. FRCP 12(b)(1) ("lack of jurisdiction over the subject matter")--This Court lacks jurisdiction over the subject matter of this action based upon state sovereign

1 immunity; and the *Rooker-Feldman* abstention doctrine, that a federal court lacks the  
2 authority to review a state court decision;

3 FRCP 12(b)(2) ("lack of jurisdiction over the person")--This Court lacks  
4 jurisdiction over Defendant based upon the principle of sovereign immunity of the State;

5 FRCP 12(b)(6) ("failure to state a claim upon which relief can be granted")--  
6 The Complaint fails to state a claim for which relief can be granted against the moving  
7 Defendant based upon the principle of judicial immunity and under the Court's inherent  
8 powers to summarily dismiss abusive pleadings. Plaintiff's Complaint is also barred by  
9 *Heck v. Humphrey*, and because Plaintiff cannot state a claim for conspiracy;

10 FRCP 41(b) ("failure of the plaintiff to prosecute or to comply with these rules  
11 or any order of the court") – Under this rule and the court's inherent power, the court should  
12 dismiss Plaintiff's claim for judge-shopping.

13 The Motion to Dismiss will be based on this Notice, the Memorandum of Points and  
14 Authorities filed herewith, the Request for Judicial Notice of Exhibits A-C (filed herewith),  
15 the Declaration of Cheryl L. Brierton (filed herewith), the pleadings and other papers filed  
16 herein, and on such argument that may be presented at the hearing hereon.

17 Respectfully submitted,  
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19 DARLENE A. DORNAN, Court Counsel  
20 Superior Court of California, County of San Diego

21 DATED:

22 April 18, 2008

23 By: s/ Cheryl L. Brierton  
24 CHERYL L. BRIERTON, Litigation Attorney  
25 Attorney for Defendant, The Honorable William McAdam,  
26 Judge of the Superior Court of California, County of San  
27 Diego  
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